

APPEAL NO. 040145
FILED FEBRUARY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 4, 2003. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the seventh and eighth quarters. Claimant appealed the determinations regarding good faith and SIBs entitlement on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that there was evidence that the hearing officer was biased in this case. The record reflects that a Texas Rehabilitation Commission (TRC) record stated that claimant was fluent in English, and claimant was asked whether he understands English. His current English-speaking ability was relevant regarding the language training he said he was seeking through the TRC and the type of jobs he could seek or be trained for. Claimant raised this issue at the hearing and the carrier and hearing officer also asked questions. The record does not show bias on the part of the hearing officer.

Regarding the seventh quarter, the hearing officer could find that there was no adequate narrative report from a doctor that specifically explained how the injury caused a total inability to work and that a February 14, 2003, report from Dr. W showed that claimant was able to return to work. The hearing officer could find that claimant had an ability to work even if claimant had not received notice of Dr. W's report. See Texas Workers' Compensation Commission Appeal No. 011349, decided August 1, 2001.

Regarding the eighth quarter, the evidence did not show that claimant made a weekly job search and the hearing officer could find that claimant failed to prove that he satisfactorily participated in the vocational rehabilitation program sponsored by the TRC. Claimant did not provide a letter from the TRC regarding satisfactory participation. The issue of satisfactory participation was a fact issue for the hearing officer to decide. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could and did find from the evidence that claimant did not satisfy the good faith requirement for SIBs entitlement for the quarters in question. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TRANSPORTATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge